

REMARKS

I. Status

The Office Action indicates claims 24-65 to be pending in this Application.

Claims 24-34, 44-54, and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Voit (U.S. Patent No. 6,424,657).

Claims 35-43, 55-63, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit in view of Powell (U.S. Pub. No. 2002/0073167).

Claims 24, 35, 44, 55, 64, and 65 are independent.

II. Rejection of Independent Claims

The Office Action rejects independent claims 24, 44, and 64 under 35 U.S.C. 102(e) as being anticipated by Voit, and rejects independent claims 35, 55, and 65 under 35 U.S.C. 103(a) as being unpatentable over Voit in view of Powell.

However, Applicants respectfully submit that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... obtaining one or more measurement values corresponding to the monitoring of the interaction network;
[and]

selecting data, wherein selection is based upon one or more of the measurement values corresponding to the monitoring of the interaction network ...”

as set forth in each of claims 24, 44, and 64 (emphasis added).

As another example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“... wherein one or more measurement values corresponding to the monitoring of the interaction network are obtained, and

wherein selection of the data is based upon one or more of the measurement values corresponding to the monitoring of the interaction network”

as set forth in each of claims 35, 55, and 65 (emphasis added).

The Office Action, apparently equating Voit’s discussion of switch 19 performing measuring and monitoring with “obtaining one or more measurement values corresponding to the monitoring of the interaction network” and “wherein one or more measurement values corresponding to the monitoring of the interaction network are obtained” of the claims, and Voit’s discussion of selecting and transmitting cells from the various queues with “selecting data” and “selection of the data” of the claims, contends that such is disclosed among column 17 lines 46-60 and column 18 lines 42-51 of Voit.

However, Applicants respectfully submit that even if such equations are, for the sake of argument, taken to be valid, Voit would still fail, for instance, to disclose, teach, or suggest that such selection and transmission of cells from the various queues of Voit is based upon the performed measuring and monitoring of Voit.

Applicants respectfully observe, for example, that Voit merely discusses the measuring and monitoring to be performed to determine what packets get dropped:

“[a]s another example, the switch preferably performs measuring and monitoring to determine what if any packets get dropped (based on the physical rate adaptive limitations), and generates appropriate reports to an external operations system (not shown)”
(see Voit col. 18 ln. 47-51; emphasis added),

with Voit explaining the selection and transmission of cells from the various queues to instead be based on an algorithm selected to implement quality of service (QoS) in conformance with the subscriber's service level agreements (SLAs) with the carrier:

“{t}he switch may implement any one of a number of different queue servicing algorithms to select and transmit cells from the various queues. For example, the switch 19 may implement one of several statistical algorithms, equal queuing, weighted queuing, priority selection from queues, etc. The particular algorithm is selected to implement QoS in conformance with the subscriber's service level agreements (SLAs) with the carrier”
(see Voit col. 17 ln. 46-54; emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 24, 35, 44, 55, 64, and 65, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claim Rejections

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

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CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4041.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:



Angus R. Gill
Registration No. 51,133

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Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 (Fax)